

REMARKS

In the office action, the Examiner rejected claims 1 and 4-6 as anticipated by Johnson claims 2 and 3 as obvious in light of Johnson and Webb, claim 8 as obvious in light of Johnson and Poe, and claims 9, 12, claims 14-17 as obvious in light of Johnson and Webb, claims 10 and 11 as obvious in light of Johnson, Webb, and Poe, claim 7 as obvious in light of Johnson and Fleming, and claim 13 as obvious in light of Johnson, Webb, and Fleming.

Applicant has amended claim 1 to require a vertical back plate formed from a single, continuous piece of metal, and requires the back plate to extend below the base plate to inhibit rotation of the device relative to the trailer hitch post. The prior art does not teach an apparatus which can be stabilized on a hitch post by using a single piece back plate attached to the base plate of the guide. The Johnson and Fleming devices use a back plate, but Johnson has a multiple piece back plate with pieces added to it to stabilize the apparatus on a hitch post but these pieces do not extend below the base plate. Fleming also uses a multiple piece back plate with brackets attached which extend below the base plate. Such pieces would have to be welded on and could break after repeated impacts with a trailer tongue. Additionally, the stabilizing pieces of Fleming are designed and positioned such that they are weaker than the long, horizontal orientation of Applicant's invention. The Fleming brackets also do not engage the hitch post, but engage a separate attachment bracket which must be attached to the hitch post. Neither Johnson nor Fleming teach a single piece back plate which extends below the base plate to engage the hitch post. Webb does not teach the use of a back plate and attaches to a bumper, not a hitch post, and also do not provide a simple and reliable means for stabilizing the guide.

As claim 1 requires that the back plate extend below the base plate, neither Fleming nor Webb teach such a device. Fleming teaches the use of flanges, but they are not part of the back

plate, but are attached to the back plate and are accordingly both more complex to manufacture and are weaker and more likely to fail. Webb does not utilize a back plate, but instead relies on a complex interlocking structure which attaches to a bumper. Accordingly, Applicant has solved the limitations of the prior art devices by creating a simpler and more reliable hitch guide. Claim 1 is accordingly patentable over the prior art devices.

Claims 2-4, 6, and 8 are patentable as depending from claim 1.

Claim 8 is independently patentable as requiring a plastic covering on the device to limit damage to the device. Poe teaches a cover which may be placed over a hitch ball to prevent persons or objects which might strike the hitch ball from being damaged. It does not teach placing a protective covering on a trailer hitch guide.

Claim 9 is patentable over the prior art because it requires a back plate formed from a single continuous piece of metal, which the prior art devices do not teach, and also because it requires an opening in the back plate for receiving a hitch post and thereby inhibiting rotation of the device. The prior art devices do not teach such an opening to limit rotation. The Johnson device relies on the tightness of the hitch ball and an alignment pin and socket (60) to limit rotation of the device. This is not reliable as the pin is easily bent by the strong impact of a trailer against the device, and the hitch ball may become loosened by the torsional impact of a trailer colliding off center with the alignment device (which is how they are designed to operate). The Fleming device uses a pair of brackets which are welded on to the back plate. These brackets are necessarily small and weaker than the back plate itself. Additionally, the welds weaken the metal which is welded, all together making the design more prone to failure. The Webb device does not utilize a back plate and does not attach to a trailer hitch post, but instead

attaches to the bumper. Accordingly, none of the prior art references teach all of the elements of the claims.

Having an opening to receive the hitch post is a significant advantage because it results in a stronger device. The purpose of the devices is to allow a user to slowly back into a trailer, and the device will guide the trailer hitch into place over the hitch ball. This places much strain on the device, and the strength of the device in resisting rotation is critical. The cited prior art utilizes pins or brackets extending off of the device which are easily bent. The device as claimed is significantly stronger. Claim 9 is patentable over the cited art as the opening in the back plate to engage the hitch post is not taught by those references.

Claims 10-12, and 15 are allowable as dependent from claim 9. Claims 10 and 11 are independently patentable as requiring the covering. As discussed above, Poe does not teach using a covering on a hitch guide to limit damage to the guide, but suggests covering a trailer ball to prevent damage to things contacting the ball.

Claim 12 is independently patentable as it requires an opening in the back plate which extends below the base plate, which is not taught by the prior art.

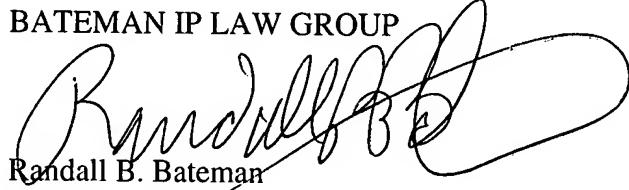
Claim 16 is allowable as it requires both a back plate formed from a single piece of plate steel, and a base plate formed from a single piece of plate steel and bent so as to form a channel for receiving a hitch post. This is not taught in the prior art. Webb teaches a device which has no back plate and attaches to a bumper. Neither Fleming nor Johnson, which attach to a hitch post, utilize a channel formed in the base plate to attach the device.

Claim 19 is independently patentable as requiring a covering on the device, as discussed above.

Applicant therefore believes that the claims are in condition for allowance and respectfully requests that the rejections be withdrawn. Should the Examiner have additional concerns regarding the application, it is requested that he contact Applicant's counsel, Randall B. Bateman, at (801) 533-0320 so that such matters may be quickly resolved.

Sincerely,

BATEMAN IP LAW GROUP



Randall B. Bateman

Reg. No. 37,774

4 Triad Center, Suite 825

P.O. Box 1319

Salt Lake City, UT 84110

Tel. (801) 533-0320

Fax. (801) 533-0323

E-mail: rbb@utah-ip.com